



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM21/0915

FISH & RICHARDSON
225 FRANKLIN STREET
BOSTON MA 02110-2904

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/447,118	05/22/95	014	UNGAR, S	1642 09/15/98
First Named Applicant	BURKLY,	LINDA C.		

TITLE OF INVENTION TREATMENT FOR INSULIN DEPENDENT DIABETES

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	BGP-151CP(00	424-130.100	J13 UTILITY	YES	\$660.00	12/15/98

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or

B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/447,118 05/22/95 BUNNEY

HM21/0915

FISH & RICHARDSON
225 FRANKLIN STREET
BOSTON MA 02110-2804

EXAMINER

UNREMARKS

ART UNIT	PAPER NUMBER
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18472
DATE MAILED: 2/2/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to Amendments Filed 5/22/95 + 9/4/98
- ☒ The allowed claim(s) is/are 10, 12-18 + 25, 26, + 28-31 now renumbered 1-14, respectively
- ☐ The drawings filed on _____ are acceptable.
- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☒ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____
- ☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Interview Summary, PTO-413
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☒ Examiner's Statement of Reasons for Allowance

Art Unit: 1642

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
2. The Amendments filed May 22, 1998 (Paper No. 20) and September 4, 1998 (Paper No. 22) in response to the Office Action of November 26, 1997 (Paper No. 17) are acknowledged and have been entered. Previously pending claim 27 has been canceled, claims 10, 12, 13, 16, 17, 25 and 29 have been amended and new claims 30 and 31 been added. Claims 10, 12-18, 25, 26 and 28-31 are currently under prosecution.
3. It is noted that items AA and AB of IDS submitted on 12/18/95 (Paper No. 4) have been crossed off of the form 1449 because although they were considered they are not publicly available as they are abandoned patent applications.
4. The application has been amended as follows:

In the specification:

On page 1 line 6, after "February 9, 1993," insert the phrase --now abandoned--.

Art Unit: 1642

In the claims:

Claim 10 was amended as follows: after "~~prediabetic mammal~~" a comma --,-- was inserted and after "destruction" a comma --,-- was inserted.

Claim 14 was amended as follows: after "claim" the number "11" was deleted and the number --10-- was substituted.

Claim 18 was amended as follows: after "antibody or" the phrase "antibody fragment" was deleted and the phrase --an antigen binding fragment of said

DI antibody,-- was substituted.

Claim 30 was amended as follows: the phrase "The method of" was deleted and the phrase --A method according to-- was substituted.

Claim 31 was amended as follows: the phrase "The method of" was deleted and the phrase --A method according to-- was substituted

Claims 1-9/~~and 21-24~~ were canceled.

5. Authorization for this Examiner's Amendment was given in a telephone interview with Ivana Maravic-Magovcevic on September 9, 1998.

6. The following is an Examiner's Statement of Reasons for Allowance:

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Art Unit: 1642

In view of the cancellation of claim 27 and the amendment of claims 10, 12, 13, 16, 17, 25 and 29, all rejection of claims 10, 12-18, 25, 26 and 28-29 in Paper No. 17, filed November 26, 1997 were withdrawn. Search of newly added claims 30 and 31 as well as amended claims 10, 12-18, 25, 26 and 28-29 showed that claims 10, 12-18, 25, 26 and 28-31 were free of the art.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (703) 305-2181. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lila Feisee, can be reached at (703) 308-2731. The fax phone number for this Art Unit is (703) 308-4242.

Art Unit: 1642

Communications via Internet e-mail regarding this application, other than those under 35 USC 132 or which otherwise require a signature may be used by the applicant and should be addressed to lila.feisee@uspto.gov.

All internet e-mail communications will be made of record in the application file. **PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of USC 122.** This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-4242.

Effective, February 7, 1998, the Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1642.

Serial No: 08/447,118

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Art Unit: 1642

Susan Ungar
September 9, 1998

A handwritten signature in black ink, appearing to read 'Lila Feisee', with a long horizontal flourish extending to the right.

LILA FEISEE
SUPERVISORY PATENT EXAMINER